

## Nadler: Fitzgerald Must Broaden Investigation

Wednesday, 19 October 2005

WASHINGTON, D.C. &ndash; In light of recent developments in the CIA leak investigation and other recent revelations, Congressman Jerrold Nadler today called for Special Counsel Patrick Fitzgerald to expand his investigation to include a criminal investigation to examine whether the President, the Vice President, and members of the White House Iraq Group conspired to deliberately deceive Congress into authorizing the war in Iraq.

&ldquo;The CIA leak issue is only the tip of the iceberg,&rdquo; Congressman Nadler said. &ldquo;This is looking increasingly like a White House conspiracy aimed at misleading our country into war &ndash; in part by manufacturing now-refuted evidence in support of its rationale, in part by smearing and silencing critics, and in part by manipulating media complicity. There is mounting evidence that there may have been a well-orchestrated effort by the President, the Vice President, and other top White House officials to lie to Congress in order to get its support for the Iraq War.&rdquo;

It is a crime to lie to Congress under several federal statutes. Congressman Nadler requested that Special Counsel Fitzgerald follow the leads he has already discovered and broaden his investigation to include charges of lying to Congress. In his letter to Acting Deputy Attorney General McCallum asking for a broadening of Special Counsel Fitzgerald&rsquo;s investigation, Nadler cited the President&rsquo;s infamous reference to African Uranium in the 2003 State of the Union Address, reports of the White House Iraq Group&rsquo;s singular mission to sell the war at all costs, assertions made in the &ldquo;Downing Street Memo,&rdquo; and reporters&rsquo; own accounts of media manipulation.

&ldquo;Honest, if mistaken, reliance on faulty intelligence to convince Congress to authorize a war is bad enough,&rdquo; Congressman Nadler wrote in his letter to McCallum. &ldquo;But, if, as mounting evidence is tending to show, Administration officials deliberately deceived Congress and the American people, this would constitute a criminal conspiracy against the entire country.&rdquo;

&ldquo;We are no longer just talking about a Republican culture of corruption and cronyism,&rdquo; Nadler added. &ldquo;We now have reason to believe that high crimes may have been committed at the highest level, wrongdoing that may have led us to war and imperiled our national security.&rdquo;

Congressman Nadler demanded answers to the following questions in his letter to McCallum:

- à Was the CIA leak incident merely one part of a larger illegal effort by the Administration to deceive Congress about a matter of war and peace?
- à Who was involved?
- à Were any of their actions criminal?

The text of Congressman Nadler&rsquo;s letter to Deputy Attorney General McCallum follows:

October 20, 2005

Acting Deputy Attorney General Robert D. McCallum, Jr.

Robert F. Kennedy Department of Justice Building

Room 4111

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Deputy Attorney General McCallum:

I urge you to use the powers granted to you, under the regulations promulgated by the Department of Justice in June of 1999, to expand the framework of the investigation currently being conducted by Special Counsel Patrick Fitzgerald.

It is now clear that the key reason cited by the Bush Administration — the imminent acquisition by Saddam Hussein of weapons of mass destruction — to persuade Congress and the American people of the necessity of invading Iraq was not true. There is new and mounting evidence, stemming in part from the current investigation, that members of the Bush Administration may have deliberately, and, therefore, illegally, misled Congress. Since Special Counsel Fitzgerald is already investigating the CIA leak, it seems appropriate that he be empowered to expand his investigation to examine whether the leak itself was part of a broader conspiracy knowingly to mislead Congress into authorizing a war.

As a member of the Judiciary Committee who opposed the extension of the independent counsel law, I do not take this matter lightly. I believe these types of investigations should be reserved for only the most serious of alleged crimes, but I have to believe that lying to Congress in order to obtain its support for a war meets that test.

Some of the evidence that members of the Bush Administration may have deliberately, and, therefore, illegally, misled Congress is as follows:

- We now know that during the summer of 2002, at a time when the White House maintains that no decision had been made about going to war, the Bush Administration created the "White House Iraq Group" whose sole purpose appears to have been to market and sell a decision to go to war to Congress. It appears that this group specifically sought to deceive Congress about the intelligence regarding weapons of mass destruction. (New York Daily News, Oct. 19, 2005.)

- We now know from the so-called "Downing Street Memo" that it appeared to senior members of the British Government who had conferred with senior Administration officials, that "Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy." (Emphasis added.)

- We now know that President Bush included in his State of the Union Address in January of 2003 an already discredited reference to Iraq seeking uranium from Niger.

- We now know from Special Counsel Fitzgerald's investigation itself that there was an orchestrated campaign to smear and discredit Ambassador Joseph Wilson, who attempted to tell the truth about some of the faulty "evidence" used by the White House to make its case for war. Although Mr. Fitzgerald's investigation has yet to determine whether a crime was committed by any Administration official(s) in leaking the identity of Wilson's wife as a covert CIA operative, it is abundantly clear that the White House Iraq Group was engaged in an effort to discredit revelations of the falsity of the Administration's justifications for the war, and to intimidate and punish those who would reveal the truth. According to sources quoted by the New York Daily News, this group of White House officials was "so determined . . . to win its argument that it morphed into a virtual hit squad that took aim at critics who questioned its claims." (New York Daily News, October 19, 2005.)

- We now know that top Administration officials, including Vice President Cheney's

Chief of Staff, I. Lewis Libby, misrepresented to the media the scope and nature of what the U.S. intelligence community knew and didn't know about Saddam Hussein's weapons programs before the war. (Newsweek.com, Oct. 19, 2005.) Manufacturing of media complicity, if achieved through a deliberate plan to provide false information, would have played a key role in misleading Congress. And indeed, we need to know more about the relationship between Administration officials and certain media outlets in view of details emerging from this investigation regarding the special access to Administration officials and, perhaps, to potentially classified information afforded to Judith Miller of The New York Times, which led to clearly erroneous stories supporting the Administration's false claims regarding weapons of mass destruction in Iraq.

With this growing body of evidence that the White House may have deliberately misled Congress into authorizing war, a broader independent investigation is clearly necessary.

Special Counsel Fitzgerald has done a great service to the nation thus far by investigating the CIA leak, but real questions remain. Was the CIA leak incident an effort to enforce discipline as part of a much broader criminal conspiracy by members of the Bush Administration to deceive Congress about a matter of war and peace? Who was involved? Were any of their actions criminal?

These questions go to the core of the functioning of democratic self-government in the United States. Honest, if mistaken, reliance on faulty intelligence to convince Congress to authorize a war is bad enough. But, if, as mounting evidence is tending to show, Administration officials deliberately deceived Congress and the American people, this would constitute a criminal conspiracy against the entire country.

It is self-evident that the Administration cannot investigate itself in this matter. I therefore urge you to expand the Special Counsel's investigation to include these matters crucial to our national security and national integrity.

I look forward to your response.

Sincerely,

Jerrold Nadler

Member of Congress

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